



Legislative Department Seattle City Council Memorandum

Date: October 18, 2010
From: Councilmember Sally J. Clark, Chair, Committee on the Built Environment (COBE)
Subject: Recommended changes to Lowrise multifamily zoning

Introduction

We are nearing the finish line on the update of Seattle's Lowrise (LR) multifamily zoning regulations, a process that began in March, 2009. The City's Lowrise zones comprise approximately nine percent (3,780 acres) of the total developable land of the city, excluding parks and streets. Lowrise zones are intended to accommodate lower-scaled residential development, including single family homes, rowhouses, townhouses, and apartments. The City last made significant updates to this chapter of the code in 1989. While the 1989 amendments made many improvements, they also resulted in unforeseen problems. The Council has heard many concerns from the public about building design in LR zones, and about the predominance of townhouses over other housing types.



Too Much of This

After adopting changes to the City's Midrise and Highrise multifamily zones in December 2009, the Council continued to work on the Lowrise zoning. A draft LR zone proposal was published for public review in April, 2010. Since June, we have been awaiting the outcome an appeal of the City's environmental (SEPA) review of the impacts of the proposed code amendments. The City's Hearing Examiner upheld the SEPA determination in early October, allowing the Council to proceed with the final steps in adopting the update.

On October 18, 2010, the Council published revised recommendations for LR zones based on the public comments we have received. Below is the current schedule for adoption of the updated regulations for LR zones (please note that these dates are subject to change).

Updated Schedule for Council Review of Lowrise multifamily zones

| Action | Date (all in 2010) |
|---------------------------------------------------|---------------------------|
| First Council public hearing on draft legislation | May 25 |
| Publication of recommended legislation | October 18 |
| Second public hearing on LR legislation | November 22 |
| COBE vote on LR legislation | November 30 |
| Possible Council vote on LR legislation | December 6 |

Goals of the Council Recommendations

In April 2009, the Council set the following goals for the proposed amendments to the Lowrise multifamily zones, which have remained unchanged since then:

- Encourage well-designed buildings that fit in with established neighborhoods;
- Foster creative design solutions without adding unnecessarily to the cost of building new housing;
- Generally maintain the current overall scale and density of Lowrise zones;
- Support Comprehensive and Neighborhood Plan objectives;
- Promote sustainable development;
- Encourage a variety of housing types that provide choices for a growing and changing population;
- Respond to special locational characteristics, including "growth areas" (urban centers and villages and light rail station areas), and areas adjacent to single family zones; and
- Update and organize the regulations so they are easier to use and understand.

Summary of Council Recommendations

The main points of the Council's April 2010 proposal are summarized as follows:

1. The proposal combines the five existing Lowrise zones (Lowrise Duplex Triplex, Lowrise 1, Lowrise 2, Lowrise 3 and Lowrise 4) into three zones (Lowrise 1 (LR1), LR2, and LR3).
2. Development regulations vary according to five distinct housing types - cottage housing, rowhouses, townhouses, auto-court townhouses, and apartments.
3. Height limits in the LR1 and LR2 zones increase from 25 feet to 30 feet, which is the height limit in single-family zones.
4. In LR3 zones, the height limit remains at 30 feet for all development types, except for apartments located within growth areas, which have a 40-foot height limit. The 40 foot height limit would not apply within 50 feet of a single-family zone.
5. The height measurement method now used in shoreline areas is applied to almost all zones (not just multifamily ones). This method is simpler than the current one, is similar to the measurement method used in the Building Code (which reduces red tape), and helps protect uphill views.
6. Floor area ratio (FAR) limits are applied in LR zones, continuing the direction set by the Council in 2006 for Commercial zones, and in 2009 for Midrise and Highrise zones. FAR limits control building size while providing more flexibility than the current more prescriptive standards. The proposed FAR limits, in combination with other development standards, would allow approximately 30% to 54% lot coverage, which is similar to the current lot coverage limits of 35% to 50%.
7. A small increase in the FAR limit is permitted when a development includes preferred design features, including providing parking either underground or at the back of the lot, paving and using an alley for access if one is present, and achieving sustainable building certification. This increase in the FAR limit does not apply to auto-court townhouses, and is one of the ways that the proposal discourages auto-court townhouses.
8. Density limits would still be generally required, but would be based on housing type. For example, rowhouses do not have a density limit, since density is controlled by the number of units that can fit in the width of the lot. Density limits for townhouses and apartments are similar to the current limits, except that 1) the density for auto-court townhouses is reduced compared to what is currently permitted; and 2) density limits are eliminated for projects that include those preferred design features that also earn higher a FAR limit.



Cottage Housing



Rowhouses



Townhouses



Auto-court Townhouses



Apartments

9. The proposal establishes new design standards for all housing types in LR zones. These standards are intended to encourage the compatibility of a variety of multifamily housing types with existing neighborhood scale and character, and to improve how buildings relate to the street by providing visual interest, promoting an attractive streetscape, and avoiding blank walls along a street. For example, facades that face the street must have pedestrian entries and a minimum area devoted to windows. They must also provide visual interest by articulating the façade, varying building materials, or using architectural features.
10. Fence heights along street lot lines are limited to 4 feet, in order to make multifamily developments friendlier to pedestrians and to increase security by providing greater visibility and “eyes on the street.”
11. Front, side, and rear setbacks are reduced, to allow more flexibility in locating structures on a site.
12. Existing open space requirements would be replaced with “amenity area” requirements. This builds on a previous concept approved for the Midrise and Highrise zones in 2009.
13. The current specific landscaping standards are replaced with the City's Green Factor landscaping requirement, which allows developers to select from weighted options on a landscaping “menu” to reach a required total landscaping “score.” To ensure that the City’s tree planting and retention goals would not be affected by this change, the Department of Planning and Development (DPD) developed prototype models that confirmed that the Green Factor requirements result in the planting of more trees than would be required under existing regulations, and also encourage the retention of existing trees.
14. The proposal removes the existing prohibition on the use of alleys to access lots in Lowrise zones that are across from a single-family or lower density multifamily zone. Alley access to parking would be required if it is available, with exceptions allowed if the alley cannot be used safely. This helps reduce the number of curb cuts on the street, which saves on-street parking spaces and makes sidewalks safer for pedestrians.
15. Existing parking requirements are eliminated for multifamily development that is within an urban village and within one quarter of a mile of “frequent transit service,” (defined as transit service with published headways of 15 minutes or less for at least 12 hours per day, six days per week, and 30 minutes or less for at least 18 hours every day). This provision would also apply to housing in commercial zones in urban villages.
16. In order to provide time for DPD staff and applicants to learn the new code provisions, the legislation would go into effect 90 days after adoption, rather than the usual 30 day period.

Streamlined design review

The biggest change to the original bill is the addition of a new design review program. Streamlined administrative design review (SDR) would be required for townhouse developments with three or more units. The intent is to help ensure that new townhouse development contributes positively to neighborhoods. In recognition that the projects to which SDR would apply are small, the proposal eliminates some of the procedural steps that add time and cost to the regular design review process, while preserving a public comment opportunity.

This SDR process would require developers to go through a design guidance process before a formal permit application is made. The public would get an opportunity to comment on the project at this early stage. The assigned DPD planner would then take those comments into

account, together with the City's design guidelines, and would provide the developer with a design guidance report.

Using the design guidance report, the developer would apply for a permit for the project, and the DPD planner would review whether the proposal meets the intent of the report. If it does, DPD would issue a permit for the project. Unlike the regular design review process, the permit would not be subject to appeal. Attachment A to this memo compares the timeline for permit review with and without the SDR process.

The SDR process would allow DPD to permit "design adjustments" during permit review without triggering additional notice, if the adjustments help the project better meet the design guidelines. Unlike the design departures available to developers in the regular design review process, the design adjustments would be capped at a fixed percentage. For example, structure width and depth limits could be varied by 10%, and landscaping and screening could be varied by 25%. If the applicant requests larger departures from the standards, the regular administrative design review process would be required. If a project goes through SDR, the specific design standards proposed in the legislation (described in item 9 above) would not apply, in order to provide greater flexibility to meet the design guidelines.

The SDR process is also proposed to be used to provide flexibility to save exceptional trees, instead of the regular administrative design review process that is currently required.

Other changes to the April 2010 draft legislation

The Council received many comments on the April draft of the LR legislation, both in writing and at the public hearing. The Committee on the Built Environment has reviewed these comments and made several changes to the legislation, which are summarized below:

1. Lower the base FAR limit for rowhouses, townhouses, and apartments by 0.2, while keeping the maximum FAR limit the same. This increases the incentive to provide better building design and further discourages auto-court townhouses. In addition, the proposal limits the use of the FAR exemption for portions of a story that extend no more than four feet above grade to those buildings that qualify for the higher FAR limit.
2. Change the FAR limit for rowhouses so that the higher FAR limit must be earned by providing the same design features as other multifamily housing types. The April 2010 draft allowed higher the FAR limit for providing accessory dwelling units.
3. Add an FAR exemption for the area beneath a lid that covers below- or partially below-grade parking, if the lid is used to provide amenity area for building residents. Only buildings that qualify for the higher FAR limit would be able to take advantage of this exemption.
4. Refine the proposed height measurement technique to add an exception for steep lots that would permit the average grade level to be reset for individual building segments. This would allow buildings to "step" down a slope.
5. Delete the 10-foot height exception in LR zones for the following rooftop features that would be out of scale with three and four story buildings: sun and wind screens, penthouse pavilions, solariums, and greenhouses not used for growing food.
6. Allow a 40 foot height limit for apartments at High Point, the low-income housing community in West Seattle that is being redeveloped by Seattle Housing Authority (SHA).

While High Point is not in an urban village, it was zoned Lowrise 4 (L4) by the Council through a contract rezone in 2003, and contains over half the City's current L4 zoning. The contract rezone imposes many conditions that mitigate the impacts of the redevelopment, and these conditions would remain in place. This height exception would allow SHA to move forward with the redevelopment process as planned.

7. Change the proposed regulations for amenity areas, from requirements based on the square footage or the number of units in a building, to a simpler one based on lot area. In LR zones the proposed amount of amenity area is 25% of lot area. At least half the area required to be provided at ground level for every project (in the April 2010 draft, this was one of the conditions for reaching the higher FAR limit).
8. Allow "woonerfs" (a Dutch word for a paved area that allows limited vehicular movement but is designed to encourage pedestrians) to qualify as a part of the amenity area, subject to Design Review. A definition of woonerf would be added to the Land Use Code.
9. To further enhance tree-protection efforts, change the Green Factor landscaping requirement to increase the credit awarded to trees, decrease the credit awarded to shrubs, and to limit the amount of score that can be achieved for vegetated walls in LR zones to no more than 25%. This change would apply in every zone where the Green Factor applies, not just multifamily zones.
10. The original proposal increased the allowance for eaves, gutters, and other weather protection from 18 inches to 2 feet. The revised recommendation would allow such features to extend 4 feet into setbacks; however, they could not be located closer than 3 feet to a lot line.
11. Allow required residential parking to be located on another lot within 800 feet. Currently, off-site parking is allowed in commercial zones, and is enforced through the use of covenants that are recorded with both properties. Because covenants have not been a very effective enforcement mechanism, the proposal would instead require that a use permit with conditions be issued that ties the lots with the parking and the residential use together. This new enforcement mechanism would apply citywide where required parking is allowed off-site, and would replace the current use of covenants.
12. Restore a parking exception for low-income housing that was inadvertently removed in the bill that adopted the update to Midrise and Highrise zones. The exception, which was approved in March 2009, permits housing for households earning 30% of median income or less to have 0.33 parking spaces for units with 2 or fewer bedrooms, and 1 space for each unit with 3 or more bedrooms. For housing for households earning 30% to 50% of median income, the requirement is 0.75 spaces for units with 2 or fewer bedrooms, and 1 space for each unit with 3 or more bedrooms.
13. Change the locational criteria for the new LR3 zone to more clearly recognize the policies in six neighborhood plans (Eastlake, Wallingford, Upper Queen Anne, Morgan Junction, Bitter Lake/Haller Lake, and Admiral) that sought to limit L3 and L4 zoning to areas that already had an established L3 or L4 character.
14. Add cottage housing and rowhouses as options in Planned Residential Developments (PRDs) in single-family zones. A PRD must be on a site at least two acres in size, and must be approved by the City Council. PRDs currently allow townhouses if they are set back at least 100 feet from other single-family zoned lots. The same restrictions would apply to cottage housing and rowhouses.
15. Add a provision stating that the conditions imposed by the Council on past contract rezones to the current Lowrise zones will remain in effect.

16. Add a provision allowing applicants to choose either the old or new method of measuring height for six months after the bill is adopted, so that projects in the development pipeline are not subject to costly redesigns.

Next steps

As of October 18, 2010 the recommended legislation is available for public review and comment. A copy of the ordinance will be available on my website and DPD's website:

http://www.seattle.gov/DPD/Planning/Multifamily_Code_Update/Overview/.

The Council will also hold a second public hearing on the recommended Lowrise zoning. The public hearing is scheduled for November 22, 2010. It will immediately follow the public hearing for the "[South Downtown Neighborhoods](#)" legislation, which begins at 5:30 p.m. The hearings will be held in the Wing Luke Museum Auditorium, 719 S. King Street, Seattle, WA 98104. For more information about the hearing, please contact Dan Nolte, my legislative aide. He can be reached by email at Dan.Nolte@seattle.gov or by telephone at 206-684-5327.

I look forward to hearing from you as we move closer to completing our update of the lowrise multifamily zones.

Attachment A: Permit Processing Timeline Comparison

Permit Processing Timeline Comparison No Design Review & Proposed Streamlined Design Review (SDR)

